

EXECUTIVE CHAMBERS

HONOLULU

JULY 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 46

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 46, entitled "A Bill for an Act Relating to Government Operations."

This bill amends sections 89C-4, 92-5, 304A-1001, and 304A-1004, Hawaii Revised Statutes, to provide that proposed compensation or changes in compensation for administrative positions excluded from chapter 89C, Hawaii Revised Statutes, in the University of Hawaii system shall be disclosed in open meetings for purposes of public comment. Section 92-5(a)(2) is amended to narrow the purposes for which closed meetings may be held by excluding compensation or changes in compensation for University of Hawaii administrative positions. Section 304A-1001 is amended to require the Board of Regents to publicly disclose compensation or changes in compensation for the University's administrative positions no later than six business days before any related open meeting is convened for public comment.

STATEMENT OF OBJECTIONS
SENATE BILL NO. 46
Page 2

This bill is objectionable for three reasons. First, disclosure would hinder the University's ability to negotiate terms, including salaries, of employment contracts favorable to the University and taxpayers. Allowing proposed compensation to be publicly disclosed, before a contract is negotiated or executed, could damage the University's bargaining stance. This frustrates a legitimate government purpose for which existing law provides protections.

Second, under the public records law (Uniform Information Practices Act Chapter 92F), the University of Hawaii is required to disclose actual salaries of exempt employees. In contrast, government employees have a privacy interest in proposed compensation and proposed pay, which is currently not considered public information and may be properly withheld from public disclosure. Further, the Uniform Information Practices Act is intended to protect an individual's privacy interest by allowing a board to discuss personnel matters in a closed meeting. Disclosure of proposed salaries of these University of Hawaii employees is not of sufficient public interest to sufficiently warrant the invasion of privacy of these public servants.

Third, transparency is already provided. The Sunshine Law, part I of chapter 92, Hawaii Revised Statutes, currently

STATEMENT OF OBJECTIONS
SENATE BILL NO. 46
Page 3

gives the public the opportunity to testify on matters listed on a board's agenda. While the exact salary the Board of Regents proposes to pay a specific employee is not included on the agenda, the Board is already required by the Sunshine Law to provide sufficient information to inform the public that it is considering a compensation matter for a prospective or current employee. Salary ranges are publicly disclosed and give the public an opportunity to know the parameters of the proposed personnel action.

For the foregoing reasons, I am returning Senate Bill No. 46 without my approval.

Respectfully,

A handwritten signature in dark ink, appearing to read "Linda Lingle", is written over the printed name.

LINDA LINGLE
Governor of Hawaii